

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, January 12, 2016

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON**
APPOINTMENT OF SUBDIVISION COMMITTEE CHAIRPERSON, VICE
CHAIRPERSON AND COMMITTEE MEMBERS
- D. **APPROVAL OF AGENDA**
- E. **MINUTES of the meeting(s) of the Planning Commission**
 - 1. Meeting of November 24, 2015
 - 2. Meeting of December 8, 2015
- F. **RECEIPT OF ITEMS FOR THE RECORD**
- G. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
 - 1. **Continued Agency Hearing** (NONE)

G. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing

- a. Class IV Zoning Permit Z-IV-2016-8, Use Permit U-2016-7 and Special Permit SP-2016-3 to operate and construct a middle/high school facility on a parcel situated along the mauka side of Kuhio Highway in Kilauea, approx. 900 ft. south of the Kalihiwai Road/Kuhio Highway intersection and further identified as 5-2723 Kuhio Highway, Tax Map Key 5-2-017:028, and affecting a portion of a larger parcel approx. 15.17 acres in size = **Anaina Hou Land LLC**. [Director's Report received by Commission Clerk 12/29/15.]
- b. Class IV Zoning Permit Z-IV-2016-9 and Use Permit U-2016-8 to allow conversion of existing restaurant facility into an office building, involving a parcel situated along Nalo Road in Poipu, approx. 500 ft. north of the Nalo Road/Hoone Road intersection and further identified as 2301 Nalo Road, Tax Map Key 2-8-019:042, and containing a total area of 11,250 sq. ft. = **The Parrish Collection, LLC**. [Director's Report received by Commission Clerk 12/29/15.]
 1. Supplemental No. 1 Director's Report pertaining to this matter.
- c. Class IV Zoning Permit Z-IV-2016-10 to allow construction of two (2) additional fuel storage tanks on a parcel located along Waapa Road in Nawiliwili, approx. 300 ft. south of the Kanoa Street/Nawiliwili Road intersection and further identified as 3185 Waapa Road, Tax Map Key 3-2-004:016, and containing a total area of 1.3154 acres = **Kauai Petroleum Company, Ltd.** [Director's Report received by Commission Clerk 12/29/15.]

3. Continued Public Hearing

- a. Zoning Amendment ZA-2016-1 to amend Chapter 10 of the Kauai County Code 1987, as amended, to allow for additional rental units to be constructed and used within the Puhi, Lihue and Hanamaulu areas to help achieve housing demands identified in the Lihue Development Plan = **County of Kauai, Planning Department**. [Hearing continued 11/24/15, continued 12/8/15.]
 1. Supplemental No. 3 Director's Report pertaining to this matter.

H. CONSENT CALENDAR

1. Status Reports (NONE)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing, January 26, 2016.

- a. Class IV Zoning Permit Z-IV-2016-11 and Use Permit U-2016-9 to construct and operate a medical clinic facility and four (4) residential units on a parcel located in Princeville, situated along the makai side of Kuhio Highway and approx. 250 ft. east of its intersection with Hanalei Plantation Road, further identified as Tax Map Key 5-4-024:020 and affecting a portion of a parcel containing 19.204 acres = **North Shore Urgent Care Clinic, LLC**.
 1. Director's Report pertaining to this matter.

I. EXECUTIVE SESSION

1. Pursuant to Hawaii Revised Statutes Sections 92-5(a)(2 and 4), the purpose of this executive session is to discuss matters pertaining to the evaluation of the Planning Director over the past and current fiscal year and to discuss upcoming fiscal year goals. This session pertains to the Planning Director's evaluation where consideration of matters affecting privacy will be involved. Further, to consult with legal counsel regarding powers, duties, privileges and/or liabilities of the Planning Commission as it relates to the evaluation of the Planning Director.

J. GENERAL BUSINESS MATTERS

1. ***KRB LLC'S*** Petition to Appeal the Planning Director's Decision and Order dated 12/7/15 Denying KRB LLC a Class I Zoning Permit; Exhibits 1-3, by Harold Bronstein, Esq. (12/15/15.)
2. In the Matter of Appeal of Determination of Incomplete Application filed September 14, 2011, ***Lee & Laura Unkrich & Century Trust v. Planning Department of the County of Kauai, Contested Case No. CC-2015-2.***
 - a. Stipulated Agreement and Order (11/9/15).
 - b. Withdrawal of the Appeal (12/17/15).
3. Petition to Appeal the Planning Director's Decision by Nadine Begley concerning Additional Dwelling Unit Recertification Application (TMK 46011056) filed 4/27/15, Contested Case No. CC-2015-09, Related to an Additional Dwelling Unit Recertification Application for property situated in Kapaa, Kauai, Hawaii, identified by Kauai TMK No. (4) 4-6-011:056, and containing a total area of 2.104 acres = ***Nadine Begley.***
 - a. Hearing Officer's Report and Recommendation.

K. COMMUNICATION (For Action)

L. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

M. UNFINISHED BUSINESS (For Action)

N. NEW BUSINESS

1. **For Action – See Agenda G for Project Descriptions**

O. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, January 26, 2016.**

P. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

KAUA‘I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
Līhu‘e Civic Center, Mo‘ikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu‘e, Hawai‘i 96766

Tuesday, January 12, 2016, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Meeting of December 8, 2015

E. RECEIPT OF ITEMS FOR THE RECORD (None)

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS (None)

H. UNFINISHED BUSINESS (None)

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Approval
 - a. Subdivision Application No. S-2016-9
(**DONNA E. RICHARDS**)
Proposed 2-lot Subdivision
TMK: (4) 2-5-004:025
Lāwa‘i, Kaua‘i
1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (Continued)

1. Tentative Subdivision Approval (Cont'd)
 - b. Subdivision Application No. S-2016-10
(*VIOLA B. ATOU TRUST*)
Proposed 2-lot Consolidation
TMK: (4) 4-5-012:003, 010
Kapa'a, Kaua'i
 1. Subdivision Report pertaining to this matter.
 - c. Subdivision Application No. S-2016-11
(*CRAIG D. & CHRISTINE J. HOGLUND*)
Proposed 2-lot Subdivision
TMK: (4) 2-6-014:018
Kōloa, Kaua'i
 1. Subdivision Report pertaining to this matter.
2. Final Subdivision Map Approval
 - a. Subdivision Application No. S-2015-12
(*‘ŌMA‘Ō RANCH LANDS LLC.*)
Proposed 2-lot Boundary Adjustment
TMK: (4) 2-7-003:005, 024
‘Ōma‘ō, Kaua'i
 1. Subdivision Report pertaining to this matter.
 - b. Subdivision Application No. S-2016-1
(*KUKUI‘ULA DEVELOPMENT CO. (HAWAI‘I) LLC.*)
Proposed 11-lot Boundary Adjustment
TMK: (4) 2-6-020:001-005, 022-027, 030, 032
Kukui‘ula, Kaua'i
 1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

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Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

January 12, 2016

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2016-44	Island Self Storage	3-2-0005:009	Nawiliwili	Fence
SSD-2016-45	National Tropical Botanical Gardens	2-6-003:053	Lawai	Visitor Center Improvements
SSD-2016-46	RS Weir	2-8-017:005	Poipu	After-the-Fact Fence, benches, stepping stones